

Termination of Marriage

- Death or declaration of presumed death (Articles 123-124)
- Uncontested divorce (Articles 125-128)
 - Parties reach an agreement for submission to court
 - Court examines requests, hears from each party, and determines their free consent
 - Court approves agreement including provisions for children, alimony if needed, and division of assets.
- Dissolution on request of one spouse (Articles 132 -133)
 - The basis for this type of termination is: maltreatment, adultery, lengthy penal punishment, incurable mental illness, repeated violation of marital obligations
- Separation of 3 years (Articles 129- 131)
 - Court must conduct a reconciliatory hearing with both spouses
 - Court may adopt temporary measures for care and support of children, alimony when deemed reasonable, and use of marital residence and administration and use of assets
 - The court may suspend the divorce procedure upon the request of the pregnant woman until one year after the child's birth

Consequences of dissolution of marriage

(Articles 145 – 162)

- Surname that was changed may be returned
- Compensating contribution may be entered to adjust for inequality in lifestyle created by property division
- Alimony and child support may be awarded
- Custody and visitation of children is determined
- Use of family residence
- Property division based on marital property regime



Provided by

Women's Legal Rights Initiative
Tirana Business Center
Bul. Zog I, Tirana, Albania
+355 4 256 296/7, ext. 134
www.chemonics.com

The Family Code of Albania

MARRIAGE AND FAMILY

YOUR RIGHTS AND OBLIGATIONS



USAID
FROM THE AMERICAN PEOPLE

Requirements for marriage (Articles 7-14)

- Persons must be 18 or older
- Both parties must give their free consent
- Between man and woman not closely related (biological family, in laws, adoptive family or guardianship)
- Mental competency to understand the scope of marriage
- Not currently married to another person

Procedures for marriage (Articles 15-32)

- File a request for an announcement, including documentation proving there are no obstacles to the marriage
- Announcement displayed in municipality/commune
- Waiting period of at least 10 days from the announcement
- Public ceremony in front of clerk

Cohabitation (Article 163 and 164)

- A factual union between a man and a woman living as a couple
- Can sign an agreement in front of a notary determining the consequences of children and property



Rights and obligations of marriage (Articles 50-65)

- Both husband and wife enjoy the same rights and have the same obligations
- Duty of loyalty, help and cooperation
- May choose a common surname from one of theirs or keep their own names
- Children shall have the common surname of parent; or if parents have different surnames, children shall have name as agreed by parents
- Have a common residence
- Contribute financially to the marriage
- Provide for maintenance and education of the children
- Right to freely administer and dispose of property without the consent of the other spouse

Marital Property Regimes – see separate brochure with more details on property regimes

- Marriage Contracts (Articles 108-114)
 - May be concluded through a notary act
 - In presence of and with joint approval of future spouses
 - The spouses agree with regard to their property
- Community Property (Articles 73-107)
 - Is default regime if no contract is entered into
 - May be changed during marriage
- Separate Property Regime (Articles 115-122)
 - May be specified in the marriage contract
 - Each spouse reserves the right to freely administer their own property

New provision on Family Violence

Article 63 of the Family Code provides that a spouse who is subjected to violence has the right to request that the court order, as an urgent measure, the removal of the spouse who perpetrated the violence from the marital residence.